IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 5TH NOVEMBER 2007 / 14TH KARTHIKA 1929

WP(C).No. 32701 of 2007(R)

PETITIONER:

JOY JAMES, KURISSADI KIZHAKKATHIL,
MATHILIL P.O., PERINAD, KOLLAM DISTRICT.
PIN 691 601.

BY ADV. DR.K.P.SATHEESAN
SRI.K.K.GOPINATHAN NAIR
SRI.M.R.JAYAPRASAD

RESPONDENTS:

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1. THE DEPUTY DIRECTOR OF FISHERIES,
CIVIL STATION, KOLLAM - 691 013.

2. THE FISHERIES SUB INSPECTOR (BACK WATER)
CIVIL STATION, KOLLAM - 691 013.

3. THE INSPECTOR OF FISHERIES,
THEVALLI P.O., KOLLAM - 691 009.

BY GOVT. PLEADER MR. I.V. PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 32701 OF 2007 R
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Dated this the 5th November, 2007

J U D G M E N T

Ext. P5 notice was issued to the petitioner for shifting the Chinese net on the allegation that the net was relocated by him from its original site and that it was obstructing the work of others. On receipt of Ext. P5 petitioner submitted Ext. P6 reply contending that, the net was only in the old site and that it was on the basis of the sanction from the authorities that he has installed the same at the location in question. He would contend that he had not shifted the net as alleged in Ext. P5. However, Ext. P7 order has been issued by the 3rd respondent reiterating the allegations in Ext. P5 and directing him to stop using the net. It is challenging Ext. P7 order this writ petition has been filed.

2. A reading of Ext. P7 discloses two facts. One is that while issuing Ext. P7, Ext. P6 reply has not been even adverted to, leave alone the contentions

therein. That apart, Ext. P7 order was passed without putting the petitioner on notice. If that be so, the order has to be held to be one passed in violation of the principles of natural justice.

3. For the aforesaid two reasons I am inclined to set aside Ext. P7. Accordingly, Ext. P7 will stand quashed and the 3rd respondent is directed to re-consider the matter in the light of Ext. P6 reply submitted by the petitioner and pass orders thereon as expeditiously as possible, at any rate within a period of 4 weeks of receipt of a copy of this judgment. Before final orders are passed the petitioner shall be given notice and an opportunity of hearing also.

Writ petition is disposed of as above.

Petitioner shall produce a copy of this judgment before the 3rd respondent for compliance.

ANTONY DOMINIC
JUDGE

jan/-